

Chapter 17.26: Flood Hazard (FH) Combining Zoning District

§17.26.120. Variances – Procedure in Relation to the FH Combining District

A. Application for a Hearing

The Board of Adjustment shall hear and decide appeals and requests for variance from the requirements of this chapter. It shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer or any administrative officer in the enforcement or administration of this chapter. Any aggrieved party who has participated in the administrative process required within this chapter may have standing to appeal. The procedures shall be as defined for the Board of Adjustment in Chapter 17.53.

B. Findings

In addition to the requirements for variances established in Chapter 17.53, the board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and shall substantiate the following findings:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets, and bridges.

C. Conditions

Upon consideration of the above factors and the purpose of this chapter, the Board of Adjustment may attach conditions to the granting of variances as it deems necessary to further the purposes of the chapter.

D. General Standards and Considerations

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of onehalf acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing the provisions of this chapter have been fully considered.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship as defined in Chapter 17.53 to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Certificate of Approval

Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.